



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 26 2018

CERTIFIED MAIL 7017 1450 0000 7973 3325
RETURN RECEIPT REQUESTED

City of Lawrenceville
ATTN: Mr. Barry Mock
Director of Public Works
70 South Clayton Street
Lawrenceville, Georgia 30046

Re: Notice of Violation and Opportunity to Show Cause Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)
National Pollutant Discharge Elimination System Permit No.: GAS000122

Dear Mr. Mock:

The U.S. Environmental Protection Agency conducted a Compliance Stormwater Evaluation Inspection (CSWEI) for the National Pollution Discharge Elimination System (NPDES), Municipal Separate Storm Sewer System (MS4) of the City of Lawrenceville, (City) on January 10-12, 2017, using PG Environmental and EPA staff (Inspection Team). The purpose of the CSWEI was to evaluate the City's compliance with the requirements of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311; the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the State of Georgia's Phase I Large MS4 Permit, Permit Number GAS000122 (Permit), issued pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p). Part 3 of the Permit, and its subparts, requires the City to update, implement and enforce a Storm Water Management Program (SWMP). The Inspection Team evaluated compliance with the January 15, 2015 revisions of the City's SWMP.

The CSWEI report was submitted to the City on July 19, 2017, for its review. The CSWEI, the City's responses, and subsequent investigative efforts have revealed that the City failed to comply with Section 301 of the CWA, 33 U.S.C. § 1311, and the Permit. Specifically, the EPA hereby notifies the City, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), of the following Permit provisions that have been violated:

1. Permit Part 3.1 states that: *"The permittee must have adequate legal authority to control pollutant discharges into and from its MS4, and to meet the legal requirements of [the] permit."* The introduction of Part 3 of the Permit states that: *"The permittee shall update, implement, and enforce a SWMP ..." and that "[t]he SWMP and its amendments, upon approval by the Georgia Environmental Protection Division (GAEPD), shall become a part of this Permit."* Permit Part 3.4 states that: *"GAEPD may require a revision of the SWMP at any time it is deemed necessary by the Director to comply with the goals and requirements of the State Act (Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.) ..."*

Observation: The GAEPD established a revised model ordinance for soil erosion, sediment, and pollution control in June 2016. The GAEPD required permittees to incorporate this model ordinance into their city code by December 31, 2016. A revision to the permittee's SWMP would then be necessary following adoption of the model ordinance. The GAEPD representatives noted that the City had not adopted this model ordinance into its municipal code by December 31, 2016 and had thus not revised its SWMP accordingly.

2. **Permit Part 3.3.1 requires the permittee to “implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls.”** The introduction of Part 3 of the Permit states that: *“The SWMP and its amendments, upon approval by the GAEPD, shall become a part of this Permit.”* The permittee's program must include the elements listed in Table 3.3.1. Table 3.3.1, item 2.a, requires the permittee to inspect 100% of the control structures within the 5-year permit period. In this case, GAEPD had approved a four year rotating cycle of the four “quadrants” or areas of the City MS4 system, as reflected in the City's approved SWMP.

Observation: The City staff indicated that the catch basins with concrete lids had never been inspected.

Observation: The City had no records of inspecting City-owned stormwater ponds.

Observation: Records from the 2012-2014, 2014-2015, and 2015-2016 report periods showed that areas 1, 2, and 4 had been inspected. City staff indicated that an inspection for Area 1 was scheduled to be completed by April 30, 2017. Thus, Area 3 was not inspected during the 4-year cycle as specified in the approved schedule.

3. **Permit Part 3.3.1 requires the permittee to “implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls.”** The permittee's program must include the elements listed in Table 3.3.1. Table 3.3.1, item 2.b requires the permittee to *“[c]onduct maintenance on the MS4 structures as needed.”* Section 4.2 of the SWMP states that *“[i]f through inspection it is found that a storm drainage system is not functioning properly or that repairs are necessary the Street Maintenance Department will perform any structural repairs or cleaning as necessary to get the system operating properly.”*

Observation: The City had no record of conducting maintenance on the four City-owned stormwater ponds, and the Inspection Team visually observed trees growing in the ponds in January 2017. This indicated that no physical maintenance had been conducted for a substantial period of time.

Observation: The City inspections in March 2016 indicated that of the 224 basins inspected, about 10 percent were reported to have structural damage. The Inspection Team observed that only one work order for catch basin cleaning was submitted in response to the March 2016 City inspections. The City Engineer stated that some of the work orders may have been generated after the reporting period ended, and therefore were not included in the report. Therefore, after the onsite portion of the inspection, the Inspection Team asked the City to provide copies of any other work orders generated in response to the March 2016 catch basin inspections; the City responded that there were none.

4. Permit Part 3.3.1 requires the permittee to *“implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls.”* The permittee’s program must include the elements listed in Table 3.3.1. Table 3.3.1, item 4.a requires the permittee to track metrics for the permittee’s litter and street maintenance activities for each reporting period, identifying amount of litter removed (weight), miles of street swept, road repairs conducted, etc.

Observation: The City did not conduct litter collection activities in the 2015 reporting period, and did not quantify the amount of trash collected in the 2016 reporting period.

5. Permit Part 3.3.1 requires the permittee to *“implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls.”* The permittee’s program must include the elements listed in Table 3.3.1. Table 3.3.1, item 7.b requires the permittee to *“[i]mplement the program to control runoff from municipal facilities with the potential to cause pollution. The program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP.”* Part 4.7 of the SWMP specifies that municipal facilities would be inspected annually. The SWMP states that *“[i]f any facility is found to need improvements, the appropriate department supervisor will be notified of the problem. Engineering Department staff will perform a re-inspection, after the stipulated timeframe, to ensure that proper action has been taken.”*

Observation: The City’s Municipal Complex was not fully inspected by the City inspector. The Inspection Team asked the inspector to conduct a full inspection of the Municipal Complex as he typically would, and he concluded his inspection with the indoor and outdoor sources at the motor pool area. The inspector did not inspect other components of the Municipal Complex including the Electrical, Gas, Street Maintenance, Landscaping, and other areas which could contribute pollutants to stormwater runoff. The inspection team found other areas in the Municipal Complex which were potential sources of pollution to stormwater that were uncontrolled.

6. Permit Part 3.3.1 requires the permittee to *“implement a program which incorporates structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the MS4 and includes a schedule for implementing the controls.”* The permittee’s program must include the elements listed in Table 3.3.1. Table 3.3.1, item 9.a requires that the permittee ensure that *“MS4 staff involved in municipal facility operation activities obtain the appropriate education and training.”*

Observation: According to documentation submitted to the Inspection Team, only a small group of individuals received a training entitled “City of Lawrenceville Good Housekeeping Training Seminar: Stormwater Pollution Prevention” in May 2015. City personnel whose official responsibilities include MS4-related activities did not receive training. These City personnel are employed by departments such as the Street Maintenance and Solid Waste Department, Code Enforcement Department, Planning and Zoning Department, Fleet Department staff (other than the supervisor), and Police Department. Other than the supervisor, Fleet Department staff present during the Inspection Team’s site visit to the Fleet Department’s vehicle maintenance shop area at the City’s Municipal Complex were unaware of any stormwater training. The Inspection Team observed significant stormwater pollution prevention and good housekeeping issues at that location.

Observation: The 2015 MS4 Annual Report states that no training activities were conducted during the reporting year (May 1, 2014 through April 30, 2015). Section 4.9 of the SWMP specifies that annual training will occur.

7. **Permit Part 3.3.2 requires the permittee to “implement and enforce a program to detect and eliminate illicit discharges and improper disposal of pollutants into the MS4.” The permittee’s program must include the elements listed in Table 3.3.2. Table 3.3.2, item 3 requires the permittee to implement an Illicit Discharge Detection and Elimination (IDDE) program, including dry weather screening, and to undertake further investigation and take enforcement action where necessary to ensure that the source eliminates the discharges in accordance with procedures described in the SWMP. Investigations require sampling, as specified in Section 5.3, Table 1 of the SWMP.**

Observation: City staff stated that dry weather flows were assumed to be groundwater unless significant floatables and/or oil sheen were observed. They stated they had observed flow during dry-weather conditions, but have never implemented the investigation procedures prescribed in Section 5.3 of the SWMP. City staff stated that although the City has a sampling kit, they had never used it to test dry-weather flow at outfalls.

Observation: The 2016 MS4 Annual Report indicated that seven of the screened outfalls had flow and none were sampled for laboratory testing. The 2015 report indicated that no screened outfalls had flow. The 2014 report indicated four outfalls had flow but were not sampled.

Observation: The City did not implement the investigation, follow-up, and enforcement procedures prescribed in the SWMP in response to two potential illicit discharges observed during the inspection. Specifically, the Inspection Team observed an illicit discharge at the Advanced Disposal Gwinnett Transfer Station on January 10, 2017. Water was observed coming from underneath the weigh station trailer, flowing through an area of staged dumpsters, and entering a stormwater pipe in the northwest corner of the site. The Inspection Team observed the flow to be discharging from the outlet end of the pipe into a ditch along Seaboard Industrial Drive. The Construction and Engineering Inspector did not give the operator a verbal warning and did not implement any other form of enforcement. Evidence of an illicit discharge was noted in his inspection report, but the City did not provide documentation of follow-up enforcement action.

A second potential illicit discharge was observed at the Gwinnett County Human Services Building construction project on January 11, 2017. A stream of cloudy white water was observed flowing from the construction site into an adjacent cul-de-sac area containing catch basins. Site representatives stated that someone had been washing out a bucket of plaster early in the day, resulting in the cloudy water observed in the street. At the time of the site visit it was unclear if the flow had actually entered the catch basins or been contained in the gutter. The Construction and Engineering Inspector was unsure how to proceed in order to investigate the potential illicit discharge, so he returned to the Engineering Department office to consult with the City Engineer. The City Engineer stated that they would return to the site that evening to investigate. The next day, the City Engineer stated that they did not investigate. The Construction and Engineering Inspector’s report states that he and the City Engineer visited the site two days later, on January 13, and did not see evidence of an illicit discharge (refer to Appendix 5, Exhibit 8). The City did not implement any further enforcement action after that time.

8. Permit Part 3.3.2 requires the permittee to *“implement and enforce a program to detect and eliminate illicit discharges and improper disposal of pollutants into the MS4.”* The permittee’s program must include the elements listed in Table 3.3.2. Table 3.3.2, Part 8.a requires that MS4 staff involved in IDDE activities obtain the appropriate education and training. Section 5.8 of the SWMP indicates that *“... training will be performed prior to work assignments and annually thereafter.”*

Observation: City representatives stated that employees in the Street Maintenance and Solid Waste Department, Planning and Zoning Department, Police Department, and Code Enforcement Department do not receive IDDE training from the City. Staff from these departments may encounter and be expected to respond to illicit discharge events as part of their responsibilities. For example, City representatives explained that the City police were the first responders for their most recent illicit discharge complaint. According to staff, the City’s Code Enforcement Department encounters several cases each year that may have stormwater implications, but the City’s Engineering Department has historically not been notified to determine whether stormwater-related violations (e.g., illicit discharges) have occurred, and no record of training of that department’s staff was provided to the inspection team.

Observation: Even though the Construction and Engineering Inspector was present for the stormwater-related training, he was unsure how to address the potential illicit discharge at the Gwinnett County Human Services Building construction site, and he did not address the illicit discharge at the Advanced Disposal Gwinnett Transfer Station during the Inspection Team’s inspection. Further, he stated that he had never received and been trained on the City’s Enforcement Response Plan (ERP), which includes guidance on illicit discharge enforcement response.

Observation: The 2015 MS4 Annual Report states that there was no IDDE training conducted during the reporting period.

9. Permit Part 3.3.3 requires the permittee to *“implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4.”* The permittee’s program must include the elements listed in Table 3.3.3. Table 3.3.3, part 1.a requires the permittee to *“[d]evelop and/or update an inventory of facilities with industrial activities that potentially discharge to the MS4. At a minimum, this shall include facilities listed on GAEPD’s Industrial Stormwater General Permit (IGP) Notice of Intent (NOI) and No Exposure Exclusion (NEE) online listings.”* The inventory is to be updated at least annually and included in the submitted annual report. Part 6.1 of the SWMP requires that the facility inventory include a description of the hazardous or potentially polluting materials on-site, where known.

Observation: The Inspection Team reviewed the City’s Industrial Pollutant Source Inventory (Inventory) subsequent to the onsite portion of the inspection. The Inventory indicated that the number of industrial facilities was 141, while the 2016 annual report reported 202 facilities. The Inventory did not include 10 facilities from the GAEPD IGP NOI/NEE listing from October 2015.

Observation: While at the Advanced Disposal Gwinnett Transfer Station, the Inspection Team observed documentation showing the facility had been covered under the GAEPD’s IGP since at least June 2012; however, the Inventory indicated that the facility was only added in the 2016 reporting year. The site representative stated that he had worked there for 12 years and had never been visited by the City.

Observation: The City's Inventory list attached to the 2016 annual report did not include the description of hazardous or potentially polluting materials on-site at the industrial sites.

10. Permit Part 3.3.3 requires the permittee to *"implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4."* The permittee's program must include the elements listed in Table 3.3.3. Table 3.3.3, Part 2.a requires the permittee to *"[i]mplement the industrial facility inspection program which includes the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP. Conduct inspections on 100% of the inventoried facilities that discharge to the MS4 within the 5-year period."* Section 6.2 of the SWMP cites the quadrant strategy, which sets up a 4-year cycle of inspections.

Observation: The Inventory included in the City's 2016 Annual Report includes the dates that each industrial facility was last inspected. According to the Inventory, there are 51 facilities that were not inspected in the 4-year period ending April 30, 2016, and 38 facilities that were not inspected in the 5-year period ending April 30, 2016. In addition, there are 68 facilities that were not documented as ever being inspected. Of those 68, 11 facilities were added to the Inventory during the 2016 reporting period. As stated above, there are also 10 facilities in GAEPD's IGP NOI and NEE online listings that were not included in the City's Inventory, and as a result, not inspected.

11. Permit Part 3.3.3 requires the permittee to *"implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4."* The permittee's program must include the elements listed in Table 3.3.3. Table 3.3.3, Part 3.a states that the permittee must *"[i]mplement enforcement procedures described in the SWMP to be utilized if a stormwater violation is noted at an industrial facility that discharges to the MS4 during the reporting period and in accordance with the ERP (Enforcement Response Plan) in Part 3.3.6 of this permit."* Section 6.3 of the SWMP describes the enforcement procedures that must be utilized in such a scenario.

Observation: The City did not conduct enforcement procedures as described in the SWMP in response to the Advanced Disposal Gwinnett Transfer Station inspection conducted on January 10, 2017. The City Construction and Engineering inspector noted in his report that there was evidence of an illicit discharge, as well as evidence of wastes associated with onsite activities entering the MS4 or a stream; however, no enforcement action was taken.

12. Permit Part 3.3.3 requires the permittee to *"implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4."* The permittee's program must include the elements listed in Table 3.3.3. Table 3.3.3, Part 4.a requires the permittee to *"[i]mplement educational activities for industrial facilities. Provide details of any educational activities performed during the reporting period in each annual report."* Section 6.4 of the SWMP states that: *"[f]or industrial facilities showing signs of a potential illicit discharge, the City inspector distributes the appropriate brochures at the time of the inspections."*

Observation: The City had not implemented educational activities for industrial facilities within its jurisdiction since its current Construction and Industrial Inspector began employment, 16 months prior to the Inspection Team's inspection. Section 6.5 of the SWMP specifies that employee training would be conducted annually in April. Additionally, the Inspector did not distribute a brochure to the waste transfer station after noting the apparent illicit discharge at the time of the inspection.

13. Permit Part 3.3.3 requires the permittee to *“implement and enforce a program to monitor and control pollutants in stormwater discharges from industrial facilities into the MS4.”* The permittee’s program must include the elements listed in Table 3.3.3. Table 3.3.3, Part 5.a requires that the permittee *“[e]nsure that MS4 staff involved in industrial activities obtain the appropriate education and training.”* Part 6.5 of the SWMP states that employees who perform inspections related to stormwater infrastructure within industrial activities must get training prior to related work assignments.

Observation: The Construction and Engineering Inspector stated that he had never received formal training on how to properly inspect industrial facilities, including training on common pollutant sources and best management practices (BMPs) for specific types of industrial facilities. Further, he stated that he was never trained on the City’s ERP, nor remembered receiving a copy of it. A potential illicit discharge was observed at the Advanced Disposal Gwinnett Transfer Station, but the inspector did not initiate any enforcement measures. The 2015 MS4 Annual Report states no training was conducted between May 1, 2014, and April 30, 2015, and the 2014 MS4 Annual Report does not address training.

14. Permit Part 3.3.4 requires the permittee to *“implement and enforce a program to maintain structural and/or non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the MS4 as defined in the SWMP.”* The permittee’s program must include the elements listed in Table 3.3.4. Table 3.3.4, Part 3.a requires the permittee to *“[i]mplement the construction site inspection program to ensure that structural and non-structural BMPs at construction sites are properly designed and maintained as specified in the Construction General Permits (CGPs).”* Table 3.3.4., Part 3.b states that: *“[t]he construction site inspection program shall include the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP or in accordance with CGPs.”* Section 7.3 of the SWMP, Inspection Procedures, requires that: *“[a] comprehensive site inspection is conducted by Engineering Department personnel after land disturbing activities commence to verify compliance with all applicable Erosion and Sedimentation control (E&S) requirements. All sites that have an LDA (Land Disturbance Activity) Permit will be inspected by City personnel. At a minimum, inspections will occur following the installation of the initial BMPs, during active construction, and after the final site stabilization. Results of site inspections are recorded on a Construction Site Daily Inspection Report.”*

Observation: The City did not have a protocol in place for documenting construction site inspections of municipal construction sites that were operating under a City-employed project manager. Specifically, City staff stated that a City-employed project manager would perform inspections of municipal construction projects that are managed by a City project manager, but historically those inspections have not been documented.

15. Permit Part 3.3.4 requires the permittee to *“implement and enforce a program to maintain structural and/or non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the MS4 as defined in the SWMP.”* The permittee’s program must include the elements listed in Table 3.3.4. Table 3.3.4, Part 4.a requires the permittee to: *“[i]mplement enforcement procedures for E&S violations documented at construction sites as described in the SWMP and in accordance with the ERP in Part 3.3.6 of this permit. Provide documentation on any enforcement actions taken during the reporting period in each annual report, including the number and type (Notice of Violation, Stop Work Order, etc.).”* Section 7.4 of the SWMP outlines

the enforcement procedures that should be undertaken.

Observation: The Construction and Engineering Inspector stated that he was not familiar with the ERP and had not been referencing it when conducting enforcement. He further stated that he uses verbal warnings as an enforcement mechanism, which is not one of the protocols described in the ERP. The Inspection Team shadowed the Construction and Engineering Inspector during site visits conducted at four active private construction sites. Erosion and sediment control issues were observed at each location that, according to the ERP, required enforcement action; however, only one enforcement action was taken in response to the four inspections.

- 16. Permit Part 3.3.5 requires the permittee to “implement and enforce a program to control pollutants in stormwater runoff from Highly Visible Pollutant Sources (HVPS) facilities into the MS4.” The permittee’s program must include the elements listed in Table 3.3.5. Table 3.3.5, Part 1.a requires the permittee to: “[e]stablish, maintain and/or update an inventory for HVPS facilities that discharge to the MS4...Provide an updated inventory in each subsequent annual report.” Section 8.1 of the SWMP also states that the City shall accurately update the inventory on an annual basis.**

Observation: The number of HVPS facilities referenced in Part 2.E.1.b of the City’s 2016 MS4 Annual Report does not match the number of facilities included in the City’s HVPS facility inventory. Specifically, Part 2.E.1.b of the City’s 2016 MS4 Annual Report states that the City has 381 HVPS facilities; however, the HVPS inventory attached to the report shows 355 facilities, with several designated as closed (refer to Appendix 5, Exhibit 16). A note included at the end of the inventory spreadsheet states there are 381 facilities, but the number of privately-owned facilities listed only totals 355.

- 17. Permit Part 3.3.5 requires the permittee to “implement and enforce a program to control pollutants in stormwater runoff from HVPS facilities into the MS4.” The permittee’s program must include the elements listed in Table 3.3.5. Table 3.3.5, Part 2.a requires the permittee to: “[i]mplement the HVPS facility inspection program which includes the facility inspection prioritization, inspection frequency, and inspection documentation protocol described in the SWMP. Conduct inspections on 100% of inventoried facilities that discharge to the MS4 during the 5-year period. The permittee must conduct a percentage of the inspections each year. Provide the total number of facilities and the number and percentage of inspections conducted during the reporting period and provide documentation in each annual report.” Section 8.2 of the SWMP states the following: “[t]he number of HVPS facilities to be inspected as established by GAEPD is a minimum of 20% of the total number of HVPS facilities annually. GAEPD’s inspection frequency insures that all HVPS facilities will be inspected within a five-year period. However, the City of Lawrenceville has established a plan, previously approved by GAEPD that insures that all HVPS facilities will be inspected within a four-year period. In the plan the City is divided into four inspection areas, or quadrants...The HVPS facilities in one of the quadrants are inspected during a reporting year...”**

Observation: According to the City’s MS4 annual reports, there are 166 facilities that were documented as not inspected in the 4 years prior to April 30, 2016 (i.e., the end date of the 2016 MS4 Annual Report’s reporting period); 140 facilities were not inspected within the 5 years prior to April 30, 2016. Some facilities had not been inspected in more than 10 years. In addition to those facilities that had documented inspections occurring more than 4 years prior to April 10, 2016 (the

end of the 2016 MS4 Annual Report reporting period,) 94 facilities were not documented as having ever been inspected. Of those 94, 36 facilities were noted as added to the inventory during the 2016 reporting period.

18. **Permit Part 3.3.5 requires the permittee to “implement and enforce a program to control pollutants in stormwater runoff from HVPS facilities into the MS4.”** The permittee’s program must include the elements listed in Table 3.3.5. Table 3.3.5, Part 4.a requires the permittee to: *“[i]mplement educational activities for HVPS facilities. Provide details of any educational activities performed during the reporting period in each annual report.”* Section 8.4 of the SWMP, Educational Activities, states that: *“[i]f during the course of an inspection a potential threat to water quality is noted, the City’s inspector will meet with the HVPS facility management to discuss measures the management can take to prevent pollution. The inspector details good housekeeping techniques for the proper handling/storage of toxic materials, spill prevention and response, NPDES Permit requirements, structural and non-structural control inspection and maintenance procedures. Educational brochures are also distributed at the time of the inspection as an aid to help prevent future problems.”*

Observation: The City had not implemented educational activities for HVPS facilities within its jurisdiction since its current Construction and Industrial Inspector began employment, 16 months prior to the Inspection Team’s inspection. The City Engineer stated that it is the Construction and Engineering Inspector’s responsibility to distribute educational brochures to HVPS facilities each time they are inspected. However, the Construction and Engineering Inspector stated he had not handed out any educational fliers since he was hired for the position, 16 months prior to the Inspection Team’s inspection. On January 10, 2017, during office discussions, the City Engineer advised the Construction and Engineering Inspector to begin distributing the educational material at the time of his inspections.

19. **Permit Part 3.3.5 requires the permittee to “implement and enforce a program to control pollutants in stormwater runoff from HVPS facilities into the MS4.”** The permittee’s program must include the elements listed in Table 3.3.5. Table 3.3.5, Part 5.a requires the permittee to: *“[e]nsure that MS4 staff involved in HVPS activities obtain the appropriate education and training.”* Section 8.5 of the SWMP states that: *“[t]he City of Lawrenceville conducts employee training for those employees who work in HVPS inspections related to stormwater infrastructure. The training details pollution prevention, good housekeeping, techniques for the proper handling/storage of used oil, painting supplies and other toxic materials, spill prevention and response, NPDES Permit requirements, structural and non-structural control inspection and maintenance procedures. Initial training is performed prior to work assignments.”*

Observation: The City had not provided training to the Construction and Engineering Inspector on how to conduct HVPS facility inspections. Specifically, the Construction and Engineering Inspector stated that he had never received formal training on how to properly inspect HVPS facilities, including training on common pollutant sources and BMPs for specific types of HVPS facilities. Further, he stated that he was never trained on, nor remembered receiving a copy of the City’s ERP. He stated that he had very limited on-the-job training when he first started in his position, and felt that he needed more to be effective at his job. The City did conduct a PowerPoint presentation training on common pollution prevention and good housekeeping practices at municipal facilities, as well as illicit discharges, completed by the Construction and Engineering Inspector on May 6, 2015. However, the training lacked information specific to inspecting HVPS facilities. The 2015 MS4

Annual Report states that no training was conducted between May 1, 2014 and April 30, 2015, and the 2014 MS4 Annual Report does not address training.

20. Permit Part 4.1 states that: “[t]he permittee shall prepare an annual system-wide report covering the reporting period May 1 through April 30. The report shall be submitted by June 15th following the reporting period.”

Observation: The City’s prior two MS4 annual reports were submitted late. The 2015 MS4 Annual Report was submitted on September 8, 2015, and the 2016 MS4 Annual Report was submitted on June 20, 2016.

Until compliance with the CWA is achieved, the City is considered to be in violation of the CWA and is subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

The EPA requests that representatives of the City contact the EPA within 14 business days of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal civil enforcement action against the City for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. The City should be prepared to provide all relevant information with supporting documentation pertaining to the violations. The City has the right to be represented by legal counsel.

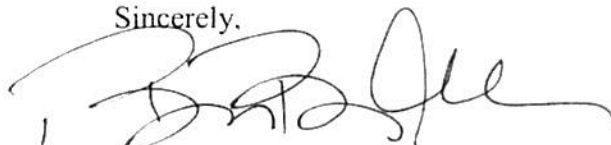
All information submitted in response to this letter and/or during the show cause meeting must be accompanied by the following certification that is signed by a duly authorized official in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Please be aware that the EPA may use information provided during the meeting or telephone conference in any enforcement proceeding related to this matter. Failure to schedule a show cause meeting may result in a unilateral enforcement action against the City. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited therein or for any other violation of the CWA.

Please contact Mr. Sean Ireland at (404) 562-9776 to arrange a show cause meeting or if you have any questions or concerns. Legal inquiries should be directed to Mr. Patrick Johnson, Associate Regional Counsel at (404) 562-9574.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne M. Gettle", written over a horizontal line.

Jeanne M. Gettle, Director
Water Protection Division

cc: Ms. Anna Truszczyński
Georgia Environmental Protection Division

Mr. James Cooley
Georgia Environmental Protection Division